



JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: S. NAKAYAMA, et al.

Application No.: 10/801,637

Filed: March 17, 2004

For: NICKEL-METAL HYDRIDE STORAGE BATTERY AND METHOD FOR
PRODUCING NEGATIVE ELECTRODE THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

In response to the Restriction Requirement of November 6, 2006, Applicants hereby elect Invention I, claims 1-3, with traverse.

Applicants respectfully request withdrawal of the Restriction Requirement. No unduly extensive or burdensome search would be required to examine the various claims of the noted Groups in the same application. MPEP §803 states:

"If the search and examination of all the claims in an application can be made without serious burden, the Examiner *must* examine them on the merits, even though they include claims to distinct or independent inventions." (Emphasis added)

In the present case, the search for all pending claims together would not be burdensome.

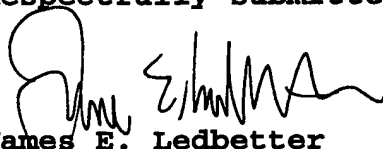
Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,



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Date: November 29, 2006

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